**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,	)	**CASE NO. 8:04CR224**
	)	
Plaintiff,	)	
	)	
vs.	)	**MEMORANDUM**
	)	**AND ORDER**
DONERAL EUGENE REED, JR.,	)	
	)	
Defendant.	)	

This matter is before the Court on the Defendant's pro se motions for an order directing the Bureau of Prisons to comply with this Court's and a state court's sentencing orders and to correct his sentence (Filing Nos. 74, 76)[1] and pro se motions for leave to proceed in forma pauperis (Filing Nos. 75, 77)[2].

The Defendant argues that this Court sentenced him on August 26, 2008, to a term of 12 months and 1 day imprisonment to be served concurrent to the state court sentence that had not yet been imposed. The Judgment, however, reflects no order or recommendation of a concurrent sentence. (Filing No. 71.) The Defendant represents that on October 16, 2008, a Douglas County District Court judge sentenced him to a concurrent term of "no less than (1) year, nor more than one (1) year, to run concurrent." (Filing No. 76.) The Defendant argues that he has served more than his allotted time.

The Eighth Circuit Court of Appeals has stated that this situation is one for the Bureau of Prisons to determine. *Fegans v. United States,* 506 F.3d 1101, 1104 (8th Cir.

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[1]The motions are identical.

[2]The motions are identical.

2007). Therefore, the Defendant must present his case to the Bureau of Prisons for an administrative resolution.

IT IS ORDERED:

1.   The Defendant's motions for an order directing the Bureau of Prisons to comply with this Court's and a state court's sentencing orders and to correct his sentence (Filing Nos. 74, 76) are denied;

2.   The Defendant's motions for leave to proceed in forma pauperis (Filing Nos. 75, 77) are denied; and

3.   The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 27th day of July, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge